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IN THE HIGH COURT OF JUDICATURE AT JABALPUR

WRIT PETITION NO. 2436 OF 2000

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION
OF INDIA

Rudra Cement Limited, Pandri Pani,
Geedam Road, JABDALPUR (M.P.),
through Shri P.R.Agrawal, Direc-
tor.....PETITIONER

VERSUS

1. Madhya Pradesh Electricity Board, through its Secretary, Rampur, JABALPUR.
2. Executive Director (JR), Madhya Pradesh Electricity Board, JABDALPUR (M.P.).....RESPONDENTS

1. Particulars of the petitioner :

As per the cause title above.

2. Particulars of the respondents :

As per the cause title above.

3. Particulars of the order against which this petition is made:



47

HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B: Hon'ble Shri Prashant Kumar Mishra, J.

Writ Petition No. 2436/2000

PETITIONER : Rudra Cement Limited

Versus

RESPONDENTS : Madhya Pradesh Electricity Board and another

Shri Vishnu Koshta, counsel for the petitioner.

ORAL ORDER

(3.08.2012)

This writ petition has been preferred praying issuance of command to the respondent to settle the account of the petitioner/company as requested by it and to provide 3 phase LT line at the unit.

(2) According to the petitioner the company has established a mini cement plant at Jagdalpur and there was some delay in execution of project consequent to which petitioner applied for reduction of contract demand.

(3) In para 5.4 of the writ petition it is averred that the petitioner closed the cement plant on 12/02/1999 and requested for disconnection of electricity supply. The said request was allowed, however account was not settled and because of this non-settlement of account 3 phase LT line to the petitioner unit was also not provided.

(4) This writ petition is pending since April, 2000 and no one appears on behalf of respondents.

(5) In the return filed by the respondents it has been submitted that in terms of Section 28 (B) of the agreement the consumer is required to serve at least three months notice before requesting for disconnection of supply and till final decision in the matter is taken by the competent authority, billing as per provision of HT agreement executed shall continue and then the petitioner is required to pay amount of Rs.5,09,232/- in terms of the agreement.

(6) In view of the return since there is contractual dispute between the parties, the writ petition is disposed of with a direction to the petitioner to approach the concerned authority along with his grievance for settlement of account and if the petitioner approaches the said authority within a period of four weeks from today, the authority concerned shall settle the account in accordance with agreement within a period of two months thereafter.

(7) If any grievance still subsists, petitioner may take recourse under the terms of HT agreement.

(8) With the above observation, the writ petition stands disposed of.

Sd/-
Prashant Kumar Mishra
Judge